



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

DOD: 8-1-02		VIRGINIA BALAKIAN , Surviving Spouse and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. In addition to distribution of the decedent's estate, Petitioner is also requesting that the Court confirm her own community property interest in various real property interests. However, the petition does not contain facts necessary for the Court to make such determination under Probate Code §13650, such as information about the marriage, the dates of acquisition of the various properties, etc. Further, the Spousal Property Petition and Order are <u>mandatory</u> Judicial Council Forms DE-221 and DE-226 created to be used for summary proceeding for such request in compliance with §13650, et seq. §13652 provides that if proceedings for the administration of the estate of the decedent are pending, a petition may be filed in the estate case without a fee. Therefore, need authority for this request to be considered by the Court by this petition. Alternatively, the Court may require the necessary petition in the form contemplated by the Probate Code.
		Accounting is waived.	
	Aff.Sub.Wit.	I&A: \$522,500.24	
✓	Verified	(real property interests and personal property)	
✓	Inventory	POH: Real property as set forth in I&A	
✓	PTC	Administrator (Statutory): Waived	
✓	Not.Cred.	Attorney (Statutory): \$13,450.00	
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.	Distribution pursuant to intestate succession and Disclaimer of Virginia Balakian filed 4-30-03:	
	Pers.Serv.	Virginia Balakian: Certain real property interests as set forth in the petition	
	Conf. Screen	Kristie Serimian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
✓	Letters	Dennis Balakian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
	Duties/Supp	David Balakian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt	Petitioner also requests that the court confirm Virginia Balakian's one-half community property interest in the various real property interests as set forth in the petition.	
	UCCJEA		
	Citation		
	FTB Notice	N/A	

Reviewed by: skc
Reviewed on: 5-14-14
Updates:
Recommendation:
File

**Petition for Removal of Personal Representative and Suspension of Powers
 Pending Hearing**

DOD: 2/6/04		MARTIN WADE CHANEY , Co-Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Dismissal of the Petition was entered on 5/12/14.
		MARTIN WAYDE CHANEY and RHONDA ANN CHANEY MALEWSKI were appointed co-administrators with full IAEA authority and without bond on 10/12/2004. Letters issued on 10/12/2004.	
Cont. from 042914			
	Aff.Sub.Wit.		<div> <div>Reviewed by: KT</div> <div>Reviewed on: 5/14/14</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 2 – Chaney</div> </div>
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

Petitioner states Rhonda Malewski currently is, and has been, in the possession and control of the file documents of the estate that she obtained from the parties' former counsel. These documents are necessary for the preparation and filing of an inventory and appraisal.

Cause for a citation to issue to Rhonda Malewski to appear before the court exists in that, despite petitioner's attorney's written requests for the estate file documents on 2/7/14, 3/31/14, and 3/11/14 and his verbal request on 2/26/14, Rhonda Malewski refuses and continues to refuse, to provide the estate file documents.

A citation to appear and an order suspending the powers of Rhonda Malewski is necessary because Rhonda Malewski is wrongfully neglecting the estate and is refusing to cooperate with Petitioner, thereby causing further delay in the administration and closure of the estate.

Petition for Deferral of Filing Fee for Termination of Administration of an Insolvent Estate

DOD: 8/12/1999		DORIS LEE ROGERS , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		Petitioner is requesting a deferral of the filing fees for the Petition for Termination of Further Proceedings (please see page 3B).	Continued from 4/29/14. As of 5/14/14 the following issues remain:	
Cont. from 042914				
	Aff.Sub.Wit.	<p>Petitioner states and inventory and appraisal was filed. The only asset of the estate was a single parcel of real property. A buyer for the real property was obtained and the Administrator was undergoing a court confirmation of the sale when a problem with the title surfaced. Unbeknownst to the Administrator and all but one of her siblings, it was determined that the decedent conveyed title to herself and one of her daughters as joint tenants. This fact was first raised by the title company.</p> <p>As a result of these findings, the probate estate does not own any assets to pay expenses of administration, attorney fees, creditor's claims, or court costs.</p> <p>Wherefore, Petitioner prays for and order of this Court that:</p> <ol style="list-style-type: none"> 1. The filing fee for the Petition for Termination of Further Proceedings be deferred until such time as any assets may subsequently come into the estate. 	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on all parties entitled to notice. 3. Need proof of service of the Notice of Hearing on the Department of Health Services pursuant to the Request for Special Notice filed on 6/20/2005. 4. Need Order 	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			X
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT Reviewed on: 5/14/14 Updates: Recommendation: File 3A – Ali	

3A

Petition for the Termination of Further Proceedings and for Discharge and for Order

DOD: 8/12/1999		<p>DORIS LEE ROGERS, Administrator, is petitioner.</p> <p>Petitioner was appointed Administrator with bond set at \$112,000.00 on 3/22/04.</p> <p>Petitioner states and inventory and appraisal was filed. The only asset of the estate was a single parcel of real property. A buyer for the real property was obtained and the Administrator was undergoing a court confirmation of the sale when a problem with the title surfaced. Unbeknownst to the Administrator and all but one of her siblings, it was determined that the decedent conveyed title to herself and one of her daughters as joint tenants. This fact was first raised by the title company.</p> <p>As a result of these findings, the probate estate does not own any assets.</p> <p>The State of California, Department of Health Services filed a claim in the amount of \$32,384.13. This claim remains unpaid.</p> <p>Wherefore, Petitioner prays for and order of this Court:</p> <p>2. For an Order terminating the probate proceedings; and</p> <p>3. Discharging the personal representative.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Order includes a waiver of the filing fee. Page 3A requests the filing fee be deferred until such time as any assets may subsequently come into the estate.</p>	
Cont. from 042914				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/O
<input type="checkbox"/>	Aff.Pub.			
<input checked="" type="checkbox"/>	Sp.Ntc.			W/
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 5/14/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3B – Ali</p>	

4

DOD: 12/31/2009		KAREN ANDREWS and DIANA KRELLE, Co-Executors, are petitioners.	NEEDS/PROBLEMS/COMMENTS: Need Amended Petition based on the following:
		Account period: 12/31/09 – 3/30/14	
Cont. from		Accounting - \$152,275.39	1. Statutory fees were calculated incorrectly. Fee calculation includes losses on sales of \$15,684.00 as a receipt and not as a deduction. Statutory fees base also includes a social security payment of \$1,376.00. Since they payment was refunded in the disbursements it should not be included in the fee base. Therefore the correct statutory fee base is \$135,215.01 and the correct statutory fees would be \$5,056.00 2. Summary of account lists the property on hand at \$92,698.25. Schedule H (property on hand schedule) lists the property on hand at \$93,698.25. 3. Costs includes \$493.47 in "other misc. expenses." Need itemization of these expenses.
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$ 93,559.78	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 92,698.25	
<input checked="" type="checkbox"/>	Inventory	Executors - \$5,400.00 (greater than statutory – see note #1)	
<input checked="" type="checkbox"/>	PTC	Attorney - \$4,000.00 (less than statutory)	
<input checked="" type="checkbox"/>	Not.Cred.	Costs (Karen) - \$2,384.97 (cremation, memorial service, filing fee, taxes, publication, other misc.)	
<input checked="" type="checkbox"/>	Notice of Hrg	Costs (Diane) - \$510.63 (funeral expenses)	
<input checked="" type="checkbox"/>	Aff.Mail	Costs (attorney - \$460.00 (filing fee, certified copies)	
	Aff.Pub.	Creditors:	
	Sp.Ntc.	Coalinga Ambulance - \$471.20	
	Pers.Serv.	DCM - \$1,719.16	
	Conf. Screen	Closing - \$900.00	Reviewed by: KT Reviewed on: 5/15/14 Updates: Recommendation: File 5 - Newell
<input checked="" type="checkbox"/>	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

See additional page

Petition states the Last Will and Testament of the Decedent indicates that her estate shall pass the same as described in the last will of her former husband, Ernest A. Newell. However, the last will of Ernest A. Newell had a similar clause to leave the residue of his estate according to his wife's last will. Accordingly neither last will provided a direction as to how the residue of the estate should be distributed. If the last will of the decedent fails provide a disposition of the estate, the laws of intestacy provide that the residue shall be distributed to the natural children of the decedent.

Proposed distribution, pursuant to agreement of heirs is to:

Janet Brumana	-	Real property
Karen Andrews	-	\$1,804.78
Diana Krelle	-	\$1,804.77
Sandra Beeby	-	\$1,804.77
Karla Brumana	-	\$1,804.77

NEEDS/PROBLEMS/COMMENTS (cont.):

4. Proposed distribution of the remaining cash, after payment of costs and creditor's claims appears incorrect. It appears the correct amount should be \$1,049.08.
5. Need date of death of deceased spouse. Local Rule 7.1.1D
6. Need order

(1) Waiver of Accounting and (2) Petition for Final Distribution Under Will and for
(3) Allowance for Ordinary and Extraordinary Fees to Attorney

DOD: 10/08/11		CYNTHIA GUNNER , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition proposes to distribute the entirety of the assets on hand to the Trust and does not reduce the cash on hand by the requested attorney's fees. If attorney's fees are to be paid from the cash assets of the estate, need revised Order stating the actual dollar amount of cash assets to be distributed taking into account the attorney's fees. 2. The petition states that the all creditor's claims have been settled and/or paid, however, no satisfaction or Allowance/Rejection of Creditor's Claims have been filed for the following claims: a. Phillips, Cohen - \$22,381.05 b. Phillips, Cohen - 2,380.55 c. Perkins Mann Ev- 420.00 d. Around the Clock 7,559.50 e. FTB - 146.51
		Accounting is waived.	
Cont. from		I & A - \$321,043.81	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - total value not	
<input checked="" type="checkbox"/>	Verified	stated, consists of \$191,662.72 cash,	
<input checked="" type="checkbox"/>	Inventory	\$112,000.00 promissory note, misc.	
<input checked="" type="checkbox"/>	PTC	personal effects	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Executor - waived	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - \$9,420.87	
	Aff.Pub.	(statutory)	
	Sp.Ntc.		
	Pers.Serv.	Attorney x/o - \$3,250.00 (itemized	
	Conf. Screen	by date for services involving	
	Letters	redemption of stock and negotiations	
	Duties/Supp	regarding payment terms; 12.5 hours @	
	Objections	\$300/hr. reduced to \$3,250.00)	
	Video Receipt	Distribution, pursuant to decedent's	
	CI Report	estate, is to:	
<input checked="" type="checkbox"/>	9202	Cynthia Morgan-Gunner, Trustee of the	
<input checked="" type="checkbox"/>	Order	Eddie H. Gunner Revocable Living Trust	
	Aff. Posting	dated 04/01/10 - \$191,662.72 cash,	
	Status Rpt	promissory note from Veterinary	
	UCCJEA	Emergency Services, Inc. in the amount	
	Citation	of \$112,000.00, and miscellaneous	
<input checked="" type="checkbox"/>	FTB Notice	personal effects	
			Reviewed by: JF
			Reviewed on: 05/15/14
			Updates:
			Recommendation:
			File 6 -Gunner

DOD: 10/27/12		ANTHONY BLAINE KARAS, Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 10/27/12 – 03/15/14	
Cont. from		Accounting - \$219,263.14	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$172,700.95	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$81,710.32 (all cash)	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Administrator - waived	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$7,023.43 (statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.	Attorney x/o - \$1,271.50 (to Attorney Bryan Pinion for work related to an eviction of tenant in real property asset of the estate – 2.9 hours @ \$285/hr. plus costs of \$445.00)	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	02/07/13 Closing - \$1,000.00	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Distribution, pursuant to decedent's estate, is to:	
<input type="checkbox"/>	Video Receipt	Anthony Karas - \$36,207.69	
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202	Melissa (Karas)Nunes - \$36,207.70	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 05/15/14
			Updates:
			Recommendation:
			File 7 - Karas

Stephan DOD: 08/09/05		DENNIS FREEMAN , is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/06/14</u> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing by 3:00 pm 05/05/14. 3. Need Order. Note: Proofs of Service filed 05/05/14 indicate that a copy of the Petition was served (and Ex Parte App/Order for Order Shortening Time & Decl. of Jeffrey Pape) on interested parties, Respondent, Respondent's attorney and Bruce Bickel.
Debbra DOD: 05/13/13			
Cont. from 050614		Petitioner states: 1. Stephan F. Winter and Debbra L. Winter ("Settlers") executed the Stephan F. Winter and Debbra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02. 2. Bruce Bickel is the temporary trustee of the Trust pursuant to the order of this Court dated 08/30/13. 3. At the time the Trust was established, it was the intent of the Settlers that their assets be transferred to the Trust as evidenced by section 2.1 of the Trust. 4. Concurrently with the execution of the Trust, the Settlers executed "pour-over" wills on 02/16/94 that designated that the residue of each of their estates be given to the Trustee of the Trust. 5. On or about 02/16/94, Settlers transferred all of their personal property currently owned or acquired in the future to the Trust. Much of this property is located in decedent Debbra L. Winter's home and Petitioner alleges that several items of personal property were removed by Respondent, Christopher Lull. [List of items attached to Petition]. Petitioner request the Court to confirm that the personal property of Debbra Winter are assets of the Trust and subject to the management and control of Bruce Bickel, temporary trustee. 6. On or about 02/16/94, Settlor Stephan F. Winter conveyed his residence located at 5881 Ettersburg Drive in San Jose to the Trust as his separate property. Thereafter on 09/14/02 at the time the Settlers amended the Trust, the Settlers recorded a transmutation of Separate Property to Community Property acknowledging the real property was an asset of the Trust.	Reviewed by: JF Reviewed on: 05/14/14 Updates: Recommendation: File 8 - Winter
Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Continued on Page 2

7. On or about 04/18/13, Settlor Debbra L. Winter sold San Jose residence and purchased another residence located at 26321 Golf Links Drive, Pioneer, CA. Petitioner alleges that a portion of the Trust's cash proceeds from the sale was used in the down payment for the new residence and within 30 days of acquiring the residence, Debbra Winter passed away which prevented her from making a formal transfer to the Trust. Given these circumstances, Petitioner requests the Court to confirm that the real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Trust and is subject to the management and control of Bruce Bickel as temporary trustee.
8. Pursuant to the terms of the Trust, Debbra Winter's Will, and Transmutation of Separate Property to Community Property, Petitioner believes that it was never Debbra Winter's intent to defeat the purpose of the Trust by holding the real property in her individual name thus subjecting said assets to the jurisdiction of the Probate Court at her death.

Petitioner prays for an Order as follows:

1. The Stephan F. Winter and Debbra L. Winter Revocable Trust is valid;
2. The personal property at 26321 Golf Links Drive, Pioneer, CA are assets of the Stephan F. Winter and Debbra L. Winter Revocable Trust;
3. The real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Stephan F. Winter and Debbra L. Winter Revocable Trust and is subject to the management and control of Bruce Bickel as temporary trustee;
4. For costs herein; and
5. For other such orders as the court deems proper.

		TEMP (PUBLIC GUARDIAN) EXPIRES 5-20-14	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 1-7-14</u> <u>Voting rights affected – need minute order</u> Continued from 1-14-14, 6-4-14. <u>Minute Order 3-4-14:</u> Mr. Bagdasarian is appearing as counsel for Sylvia Ramirez. Several family members are also present in the courtroom. Mr. Bagdasarian advises the Court that an agreement has been reached, but needs to be reviewed. Mr. Bagdasarian requests a continuance. <u>As of 5-14-14, nothing further has been filed.</u> 1. The Capacity Declaration states the patient has dementia, is unable to care for herself, and may benefit from dementia medication; <u>however, the boxes re capacity are not checked.</u> The Court may require clarification.
		DONNA M. RAMIREZ-BAKER , Daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and dementia medication and placement powers.	
Cont. from 011414, 030414		Voting rights affected	
	Aff.Sub.Wit.	A Capacity Declaration was filed on 11-26-13.	
✓	Verified	Petitioner states the proposed Conservatee is diagnosed with dementia and is combative and uncooperative. According to her doctor, she needs medication to control her agitation and psychotic symptoms. She was recently evicted from her residence after failing to pay rent and keep her home habitable. However, when Petitioner took her to live in her home, she bullied and harassed Petitioner's special needs children. Petitioner contacted the social workers at St. Agnes hospital, and she was advised to bring her back there. With the help of the social workers, the proposed Conservatee was placed in a residential care facility. Petitioner was advised to seek conservatorship to secure benefits that would allow her to remain at the facility. Petitioner states the proposed Conservatee is a danger to herself and others because she drives without her license and has a long history of mental illness.	
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice	Petitioner also filed a declaration on 1-9-14 from Gregory Ramirez, son of proposed Conservatee, detailing the situation in the home of Sandra Ramirez in Reno, NV, where the proposed Conservatee was previously residing. Court Investigator Samantha Henson filed a report on 1-9-14. See Page 2	
			Reviewed by: skc
			Reviewed on: 5-14-14
			Updates:
			Recommendation:
			File 9 – Patrick

Page 2

Declaration filed 1-14-14 by Steve Ramirez indicates messages between Donna Baker and other family members regarding kidnapping charges for plans to take her.

Minute Order 1-14-14: Greg Ramirez appears via Court Call. Steven and Sandra object to the petition. At the request of Petitioner, the Court denies the petition and appoints Public Guardian Temporary Conservator of the Person and Estate. Continued to: 3-4-14.

Letters issued to the Public Guardian on 1-23-14. As of 5-14-14, nothing further has been filed.

10A Timothy Hall (Estate)

Case No. 14CEPR00194

Atty Roberts, Gregory J. (for Petitioner Bruce E. Hall)

Atty Teixeira, J. Stanley (for Objector Gwen Allen)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 1/25/14		BRUCE E. HALL is petitioner and requests that BRUCE E. HALL and GARY J. HALL (brothers) be appointed as Co-Administrators, with full IAEA authority and with bond set at \$400,000.00. Full IAEA – o.k. Decedent died intestate. Residence: Fresno Publication: Fresno Business Journal.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, June 25, 2014 at 9:00 a.m. in Department 303, for the filing of the bond. Wednesday, October 22, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, July 15, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
Cont. from 041614			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Estimated value of the Estate: Personal property - \$160,000.00 Real property - \$240,000.00 Total - \$400,000.00	
✓	Aff.Mail W/O		
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	Probate Referee: Steven Diebert Objections of Gwen Allen filed on 4/10/14 states she objects to the appointment of Bruce and Gary because they have not been involved in the family and do not know enough about the family. For example, Gary Hall was the informant on the death certificate for Timothy Hall and stated that Timothy's residence was in Menlo Park. Timothy's residence at the time of his death was in Fresno. He also stated the wrong birth date for Timothy. In the Petition filed by Bruce one of Timothy's siblings, Albert Hall, was omitted. Further, Timothy's sister is listed as "Janet Lacey, when in fact her name is Janice Lacey. Ms. Allen states Timothy Hall had her manage all things for him whenever he was away from Fresno. She was Timothy's main contact person.	
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: KT Reviewed on: 4/14/14 Updates: Recommendation: File 10A – Hall	

Dept. 303, 9:00 a.m. Tuesday, May 20, 2014

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450).

DOD: 1/25/14		<p>GWEN ALLEN, sister, is petitioner and requests appointment as Administrator with bond set at \$235,000.00</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno Publication: Fresno Business Journal.</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$ 25,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$210,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$235,000.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property	-	\$ 25,000.00	Real property	-	\$210,000.00	Total	-	\$235,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, June 25, 2014 at 9:00 a.m. in Department 303, for the filing of the bond. Wednesday, October 22, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, July 15, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
Personal property	-		\$ 25,000.00									
Real property	-		\$210,000.00									
Total	-		\$235,000.00									
Cont. from												
<input type="checkbox"/>	Aff.Sub.Wit.											
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<input type="checkbox"/>	FTB Notice											
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/14/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10B – Hall</p>										

Joseph W. Levy DOD: 2-10-14	<p>SHARON LEVY, Sole trustee, is Petitioner.</p> <p>Petitioner states she and Joseph W. Levy created the LEVY 2009 REVOCABLE TRUST on 10-23-09. The settlors were the initial trustees and acted as co-trustees until the death of Joseph W. Levy on 2-10-14. Since then, Petitioner has been acting as the sole trustee.</p> <p>Schedule A of the Trust describes the assets of the trust, including certain Wells Fargo Bank certificates of deposit (Item #3). On or about 2-18-10, the settlors closed the Wells Fargo Bank certificates of deposit accounts and used the proceeds of approx. \$500,000.00 to open a new Franklin Templeton Account xxx1302, thus replacing the CDs with a Franklin California Tax-Free mutual fund. However, the title of the account was inadvertently designated in the settlors' names "as community property." The value at Joseph W. Levy's death was approx. \$424,000.00.</p> <p>Petitioner states that a declaration by the owners that they hold property in trust is sufficient to create a trust. Courts have held that a written declaration is sufficient and transfer of title is unnecessary when a settlor declares herself to be trustee of her own property. Authority cited. Petitioner states Sharon and Joseph W. Levy, as settlors and trustees, declared in the trust declaration that they set aside and held in trust their interest in the Wells Fargo Bank certificates of deposit. Although the asset is not real property, under §850(a)(3)(b), the trustee or any interested person may file a petition requesting that the court make an order where the trustee has a claim to real or personal property where title is held by another.</p> <p>Petitioner states the settlors used trust funds (the Wells Fargo Bank certificates of deposit) to open the Franklin Templeton Account and intended for that account to be held in trust. It was only by mistake that it was not titled in the trustees' names, and the error was not discovered until the death of Joseph W. Levy. Petitioner believes the Franklin Templeton Account is an asset held in trust and is under the control of Sharon Levy as sole trustee.</p> <p>Petitioner, as surviving settlor, intends that her one-half interest in the Franklin Templeton Account be part of the Trust estate. Also attached is a copy of Joseph W. Levy's will, which leaves everything to the trust except his personal effects.</p> <p>Petitioner prays for an order of this Court that Franklin Templeton Account xxx1302 is property held in the Levy 2009 Revocable Trust and is subject to the management and control of Sharon Levy, trustee of the Levy 2009 Revocable Trust; and for such further orders as the Court deems proper.</p>	NEEDS/PROBLEMS/COMMENTS:																																																																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	W		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 5-14-14</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 11 - Levy</td></tr> </table>	Reviewed by: skc	Reviewed on: 5-14-14	Updates:	Recommendation:	File 11 - Levy
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DOD: 12/25/2011	HERBERT HERNANDEZ and RICHARD HERNANDEZ , were appointed Co-Administrators, with Limited IAEA authority, on 11/8/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 011014, 031114, 041514	The Court ordered \$50,000.00 into a blocked account.	Continued from 1/10/14. Minute order states the Court is advised that efforts are being made to resolve this matter.
Aff.Sub.Wit.		
Verified	Receipt for Blocked Account (\$50,000.00) filed on 12/4/12.	
Inventory		
PTC		
Not.Cred.	Final Inventory and Appraisal filed on 1/10/14 showing the estate valued at \$27,105.00	
Notice of Hrg		
Aff.Mail	Supplemental Inventory and Appraisal no. 1 filed on 1/10/14 shows property valued at \$86,279.00	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Former Status Report of Gary Bagdasarian filed on 3/7/14 states a disagreement between the co-executors over the amounts of reimbursement to each of them has been resolved, and the parties are now putting together the Final Report and Account of Estate. A request is made for a continuance of 60 days (for May 14, 2014 or thereafter.)	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 5/14/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 13 – Hernandez

Age: 6		<u>TEMPORARY EXPIRES 05/20/2014</u>		NEEDS/PROBLEMS/COMMENTS:	
		RUBEN ANTHONY ESTRADA , non-relative, is Petitioner.		Court Investigator Samantha Henson to provide:	
		Father: UNKNOWN , Court dispenses with notice per minute order dated 03/26/2014		1) CI Report	
Cont. from				2) Clearances	
	Aff.Sub.Wit.				
✓	Verified			1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
	Inventory			<ul style="list-style-type: none"> Paternal Grandparents (Unknown) – Unless the Court dispenses with notice. 	
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	w/			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report		X		
	9202				
✓	Order			Reviewed by: LV	
	Aff. Posting			Reviewed on: 05/15/2014	
	Status Rpt			Updates:	
✓	UCCJEA			Recommendation:	
	Citation			File 15 - Castillo	
	FTB Notice				

Atty Sovern, Sharon Kaye (pro per – maternal grandmother/Petitioner)

Amended Petition for Appointment of Probate Conservator of the Person and Estate
(Prob. C. 1820, 1821, 2680-2682)

Age: 18	<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:
	SHARON KAYE SOVERN, maternal grandmother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and as Conservator of the Estate without bond.		Court investigator advised rights regarding Conservatorship of the Person on 03/12/14. Need advisement of rights re Conservatorship of the Estate.
Cont. from 040814			Voting rights affected, need minute order.
<input type="checkbox"/> Aff.Sub.Wit.			<ol style="list-style-type: none"> Petitioner is requesting that the Court waive the requirement of filing of an Inventory & Appraisal, however, there does not appear to be any authority for waiving the filing of the Inventory & Appraisal. Petitioner states that the estate meets the requirements stated in Probate Code § 2628 and therefore requests that bond and the requirement of filing accountings be waived. Petitioner does not state whether the funds will be placed in a blocked account. It has been the practice of the Court to waive accountings after the filing of the first account.
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
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<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input checked="" type="checkbox"/> Citation			
<input checked="" type="checkbox"/> CVRC Notice			
Estimated Value of the Estate: Personal property - \$15,090.00 Annual income - 8,880.00 Total - \$23,970.00			
Voting rights affected.			
Petitioner alleges that Jade is autistic and cannot independently care for his day to day needs. He is unable to communicate his needs or carry on a conversation. He speaks in simple one to two word sentences. He sometimes becomes agitated and can be aggressive if he is pushed. Petitioner states that Jade inherited a small amount of money and due to the small amount and Jade's low income, Petitioner requests appointment without bond and requests that the Court waive the filing of an Inventory & Appraisal and accountings.			
Court Investigator Julie Negrete filed a report on 04/02/14.			
			Reviewed by: JF
			Reviewed on: 05/14/14
			Updates:
			Recommendation:
			File 16 – Graff

Petition for Probate of Will and for Letters Testamentary; Authorization to
 Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/07/2013		THOMAS BRESSLER , son/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 05/10/1993 Final Inventory and Appraisal filed 03/11/2014 Residence: Fresno Publication: The Fresno Bee <u>Estimated value of the Estate:</u> Personal property \$80,114.74 Real property \$130,000.00 Total \$210,114.74 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. Copy of the Will is not attached to the petition as required. Note: If the petition is granted status hearings will be set as follows: • Tuesday, 07/14/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from 041514			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail w/o		
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 05/14/2014	
		Updates:	
		Recommendation:	
		File 17 – Bressler	

Dale W. Balagno DOD: 3-16-13	NICHOLAS KOVACEVICH , Former Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: Not stated	Note: This Accounting Declaration does not contain a prayer; however, pursuant to §1064(b), the filing of an account shall be deemed to include a petition requesting its approval.
	Accounting: \$ 5,623.90	
	Beginning POH: \$ 0.00	
	Ending POH: \$ 2,290.74	
Cont 041014	(transferred to Public Administrator)	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states from 3-19-13 through 7-9- 13, as stated in the detailed time charges attached to the Petition for Payment of Attorney's Fees and Payment of Trustee's Fees dated 10-28-13, Petitioner met with beneficiaries, reviewed files, marshaled assets, responded to his counsel's requests, responded to opposing counsel's requests for three of the beneficiaries, and was present at every hearing at this courthouse, for a total of 91.4 hours between 3-19-13 and 9-12-13. Since 9-13-13, he has been present at a total of five hearings, which has taken another five hours of his time (5 hours @ \$180/hr is \$900.00) that is owed to Petitioner. As described in the prior petition, Petitioner spent 24.9 hours through 9-9-13 on this trust situation, and since then, has attended four hearings @ \$240.00/hr and prepared this accounting (over two hours. Therefore, Petitioner has an additional 6 hours of time for an additional \$1,440.00. Petitioner also used \$100.00 of his own monies to open a trust account at Chase Bank.	1. The petition does not state the name and address of each person entitled to notice pursuant to §17201.
<input checked="" type="checkbox"/> Verified		2. Notice of Hearing was served only on the attorneys and not on the beneficiaries directly pursuant to §17203 and Cal. Rules of Court 7.51.
<input type="checkbox"/> Inventory		3. Petitioner provides a copy of the trust; however, the Property Schedule referenced in the trust is not attached to this petition.
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
	Petitioner provides a summary of assets totaling \$1,211,862.00 including cash, investment and retirement accounts, insurance, and misc. personal property. The list includes POD and joint tenant accounts.	However, a copy of the Property Schedule <u>was attached</u> to a Declaration previously filed by Joseph Balagno on 6-19-13.
	Petitioner states on 9-30-13, he transferred \$2,290.74 to the Public Administrator in accordance with his agreement to allow the Public Administrator to become the trustee.	In this accounting, Petitioner states the beginning property on hand was zero; however, according to the Property Schedule, the decedent's tangible personal property and specific accounts and stock were designated as trust assets.
<input type="checkbox"/> Aff. Posting		Further, the Public Administrator's Inventory and Appraisal indicates various assets other than what was provided by Mr. Kovacevich.
<input type="checkbox"/> Status Rpt		Examiner notes that the trust is somewhat vague in that although these specific accounts are listed, it does indicate that beneficiary designated accounts are not trust assets.
<input type="checkbox"/> UCCJEA		The Court may require further clarification as to the beginning property on hand for the <u>trust</u> as opposed to all of the assets of the decedent.
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	On 5-1-14, Attorney Lance Armo, attorney for Joesph Balagno, Linda Balagno, and Lori Jo Brown, filed an <u>unverified</u> Objection to the accounting. Please see objection for details.	Reviewed by: skc
		Reviewed on: 5-15-15
		Updates:
		Recommendation:
		File 1A – Balagno

1B Dale W. Balagno Revocable Trust
Atty Armo, Lance E. (for Joseph Balagno – Beneficiary)
Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
Atty Kruthers, Heather (for Public Administrator)
Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

Case No. 13CEPR00389

Petition for Payment of Attorney's Fees and Payment for Trustee's Fees

Dale W. Balagno DOD: 3-16-13		NICHOLAS KOVACEVICH , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Examiner's Note: On 9-9-13, per Corrected Minute Order, Mr. Kovacevich agreed to step down and the Court directed that any fees come before the Court. Accordingly, this petition was filed on 11-1-13. This petition requests attorney and trustee fees totaling \$22,428.00. However, at this point, the value of the trust/assets has not been provided to the Court so Examiner does not have a basis for review other than hourly rates and services. Examiner notes that the original petition of Joseph Balagno alleged inappropriate conveyance of trust assets and also alleged that Mr. Kovacevich has refused to provide a list of assets. The Court granted that petition on 9-9-13, that petition was granted and Mr. Kovacevich stepped down, and the Court set status hearing on 12-9-13 regarding Assets and Accounting. This petition for fees was filed and has been continued to this date. On 2-21-14, the trustee filed an Accounting (See Page A) that was set for 4-10-14.
Cont. from 011614, 022714, 041014		Petitioner states: <ul style="list-style-type: none"> Dale W. Balagno died on 3-16-13. The trust provides names Petitioner as first successor trustee. On 4-23-13, Petitioner provided information on the trust estate to his attorney, David Gromis. On 9-9-13, Petitioner agreed to allow the Public Administrator to become the Trustee. 	
<input type="checkbox"/> Aff.Sub.Wit.		Attorney: \$5,976.00 Exhibit A is a schedule of the attorney's billing in this proceeding from 4-23-13 through 9-9-13. All services were reasonable and necessary in representing Mr. Kovacevich. 24.9 hours @ \$240/hr.	Reviewed by: skc Reviewed on: 5-15-14 Updates: Recommendation: File 2B – Balagno
<input checked="" type="checkbox"/> Verified		Successor Trustee: \$16,452.00 Exhibit B is a schedule of the successor trustee's services provided to the estate from 3-19-13 through 9-9-13. All services were reasonable and necessary in his role as successor trustee. 91.4 hours @ \$180/hr.	
<input type="checkbox"/> Inventory		Petitioner requests an order:	
<input type="checkbox"/> PTC		1. Directing the Public Guardian to pay David Paul Gromis, Attorney at Law, the sum of \$5,976.00 from the trust estate for legal services rendered to Nick Kovacevich while he was acting as trustee for the D.W. Balagno Trust dated 3-6-13;	
<input type="checkbox"/> Not.Cred.		2. Directing the Public Guardian to pay Nick Kovacevich, CPA, the sum of \$16,452.00 for time spent and for services rendered to the D.W. Balagno Trust dated 3-6-13 as the successor trustee; and	
<input checked="" type="checkbox"/> Notice of Hrg		3. For such other relief as the Court deems just and proper.	
<input checked="" type="checkbox"/> Aff.Mail	W		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order	X		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

DOD: 3-16-13 Cont. from 022714, 041014		Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation FTB Notice		<p>JOSEPH BALAGNO, LINDA BALAGNO, and LORI JO BROWN, Beneficiaries, are Petitioners.</p> <p>Petitioners state the trust corpus consists primarily of bank and investment accounts held with several banking institutions, cash, and other personal property. The beneficiaries and "interested persons" are: Petitioners, MARY E. POND, a former personal acquaintance of the decedent, and former successor trustee NICHOLAS KOVACEVICH, who was removed by the Court. The FRESNO COUNTY PUBLIC ADMINISTRATOR is the current Successor Trustee.</p> <p>Petitioners allege that the former trustee has wrongfully conveyed certain property of the trust to Ms. Pond without accounting, notice or acknowledgment to Petitioners. Petitioners also believe that other accounts, insurance proceeds, and personal property have been wrongfully distributed to Ms. Pond by the former trustee, or individually retained by the former trustee without notice or accounting after having demanded such information. Additionally, Petitioner believes the former trustee allowed mailing addresses and ownership of several bank and investment accounts to be changed shortly prior to the decedent's death to that of Ms. Pond from the decedent's address without notice to beneficiaries. Only upon contacting the various institutions did Petitioner learn of such.</p> <p>To the detriment of the estate, Ms. Pond changed the mailing address of the decedent's important financial papers thereby learning confidential financial information that she was not privy prior thereto, and subsequently convinced, encouraged, and manipulated the decedent, while extremely ill and vulnerable, to add her to accounts, real and personal assets, and to conceal other assets of the estate which are not nor have ever been intended for Ms. Pond.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc</p> <p>Reviewed on: 5-15-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2C – Balagno</p>
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Page 2

Petitioners state Ms. Pond was the decedent's girlfriend for nearly 15 years and was never added to his estate until shortly before his demise, not to mention ever informed of the financial wherewithal of the decedent. The decedent had stated to his family shortly before his passing that his estate was "all set up" as he had transfer-on-death (TOD) completed for most of his assets that did not include Ms. Pond. However, Ms. Pond still added herself to bank accounts, financial investment and life insurance accounts, and liquidated an \$80,000 annuity shortly before his death. The testamentary plan created by the decedent shortly before his death coincidentally was also identical and matching to a plan prepared on behalf of Ms. Pond at the same time, and by the same person, who is not a licensed attorney.

Petitioners state Ms. Pond excluded close family members from the decedent's final hours of life, including his children, as she did not want them to interfere with her plan of manipulating him to sign the necessary forms for transfers, etc.

Petitioners provide descriptions of various accounts and assets including estimated balances and questions about disposition. See petition for details.

Petitioners state Ms. Pond and Mr. Kovacevich refused to provide copies of documents authorizing Ms. Pond's name to be added to the various accounts whether as owner, TOD, or beneficiary. She also refused to provide proof that the decedent authorized her to change the mailing address of the bank account statements from Decedent's home to her address exclusively, and refused to reply to questions asking how/why she changed the mailing addresses.

KARA BALAGNO (relationship not stated) was present in the hospital room on one occasion in which she was told by the decedent clearly and unequivocally: "Ms. Pond was only to be added to this one account and none others." The account initially had a mailing address to the decedent's home, but after Ms. Pond's name was added, the mailing address was changed to her address. Shortly before his passing, the decedent informed his family that Ms. Pond could "only" be added to this one bank account in order to pay the "health expense bills" of the decedent, although she took the liberty of adding herself to multiple accounts. Thereafter, Ms. Pond withdrew, transferred, and liquidated hundreds of thousands of dollars from the decedent's accounts to her own, claiming such transfers and withdrawals do not need to be accounted for because they were not part of the trust estate.

Additionally, Petitioners state Ms. Pond and Mr. Kovacevich have provided conflicting statements about where the decedent's guns are, and Petitioners further believe that the decedent provided the safe combination to Mr. Kovacevich, who opened the safe and accumulated the contents thereof without recording or transcribing any inventory. Ms. Pond and Mr. Kovacevich now deny the existence of various items in the safe, which were removed and are not vanished. For example, the decedent informed his children that the safe contained \$100,000 in "cash." Ms. Pond uttered to a friend that she had discovered over \$80,000 and had "better go home and count the rest." Ms. Pond now declares there was only \$47,000 cash in the safe. Petitioners state there were also several pieces of jewelry, bonds, and other items in the safe that Ms. Pond denies. The decedent's timeshare has not been accounted for See petition for details.

SEE ADDITIONAL PAGES

Petitioners state there are other issues as well and allege that Ms. Pond obtained and sold stocks that the decedent owned and concealed such information without accounting to the family. Petitioners state Ms. Pond was reimbursed \$12,000 for funeral expenses by Mr. Kovacevich without evidencing proof of expenses. Ms. Pond's name was added to a 2007 pickup truck shortly before the decedent's death, which truck contained all of the decedent's work tools and equipment, and which was never returned to the family.

Demand has been made repeatedly for account and information, but none has been provided. Petitioners believe Ms. Pond has taken most of the decedent's possessions and sold them or given them away. Ms. Pond has two safes in her home that are believed to contain many of the decedent's possessions that she has unlawfully taken and kept from the family.

It was alleged that Mr. Kovacevich, who has been removed, and Ms. Pond, were working so close together that they were acting as one and the same in theory. Petitioners state that Joseph Balagno is still the personal representative of the estate of Dale Balagno. Probate Code §850(a)(2)(C) provides that the personal representative may file a petition requesting that the court order where the decedent died in possession of, or holding title to, real or personal property, and the property or some interest therein is claimed to belong to another. In this matter, Ms. Pond claims an interest in much of the assets of the estate, and Petitioners believe she is in possession of the assets mentioned above. She and the former trustee have refused and failed to provide any information or instruction of the decedent authorizing her claims. Petitioners believe Ms. Pond will claim she was "told" by the decedent to take such assets, however, fails for several reasons.

Petitioners state the decedent dated Ms. Pond for nearly 15 years and never told her she could share in his wealth, and she didn't learn of it until she changed the mailing addresses on his accounts. She uttered statements to friends and relatives confirming such newly acquired knowledge, and shortly before he died, said to family members: "I wish he would hurry and die as I have a trip planned." During his final days, Ms. Pond tried over and over to get the decedent to marry her. The decedent obviously refused. Ms. Pond also lied to the family that he was restricted to "bed rest" only they later learned that he was supposed to get up and walk around. The day before he died the Decedent told his daughter Linda that he believes "Mary has done wrong things and you need to fix them immediately." He told his entire family his desire and wishes for his estate.

Mary E. Pond must be ordered by this Court to transfer all assets herein mentioned and provide copies of statements, canceled checks, and financial records for every account she either withdrew, transferred, wired, or deposited funds of the decedent. Ms. Pond clearly exerted undue influence, pressure and coercive conduct towards the decedent in his last days and hours with intent to obtain his assets to the detriment of his family.

SEE ADDITIONAL PAGES

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Petitioners pray for an order as follows:

1. The Court grant and distribute the vehicles along with all cash, guns, jewelry, bonds, coins, and other items located in the safe and removed by Ms. Pond and/or the former trustee to Petitioners as the representatives of the estate;
2. The Court grant and distribute all investment accounts as set forth herein to Petitioners as representatives of the estate;
3. The Court grant and distribute all bank accounts as set forth herein to Petitioners as representatives of the estate;
4. The Court grant and distribute all bonds and insurance proceeds as set forth herein to Petitioners as representatives of the estate;
5. For costs of suit incurred, and
6. For such other relief as the Court may deem just and proper.

NEEDS/PROBLEMS/COMMENTS:

1. Notice of Hearing filed 1-23-14 indicates service on attorneys only, and further indicates that a copy of the amended petition was not served with the notice. The Court may require amended service with copies, including direct notice to the interested persons pursuant to Cal. Rules of Court 7.51.
2. Notice of Hearing filed 1-23-14 does not indicate that a copy of the amended petition was served with the notice pursuant to Probate Code §851.
3. Petitioners request distribution of specific assets to them as personal representatives of the decedent's estate; however, there is no probate estate open for this decedent and there has been no personal representative appointed.

Petitioner Joseph Balagno previously requested, and the Court granted, that the Public Administrator be appointed as the trustee of the decedent's trust.

Need clarification: Are the petitioners alleging that these assets are assets of the TRUST, or are they now alleging that these are assets of the ESTATE, for which a probate will be filed?

4. It appears Petitioner is requesting that the Court make findings as to undue influence/financial abuse of the decedent prior to his death, which would be a civil action under the W&I code. The Court may require authority for proceeding as requested.

Note: An Accounting filed by the former Trustee Nicholas Kovacevich filed 2-21-14 is set for hearing on 4-10-14. Therefore, the Status Hearing for the filing of the accounting has been taken off calendar.

SEE ADDITIONAL PAGES

Response of Mary Pond filed 2-14-14 states:

Dale Balagno died 3-16-13 and up to the date of his death was the sole trustee of the D.W. Balagno Revocable Trust dated 3-6-13. The respondent and the decedent lived together in a close committed relationship for 15 years in the respondent's home. The decedent moved into the respondent's home in the late 1990s and resided there until his death. During the time he lived there, Respondent provided food, clothing and shelter to the decedent, as he represented to her that he had limited resources and lived on a small monthly fixed income – in effect, “poverty-stricken.”

Respondent was aware that the decedent owned several houses prior to entering the relationship, and allowed his son to live in one of them. He had his mail delivered to that address and would go over frequently to “check on the house” and review the mail. The decedent was secretive about his affairs; however, Respondent trusted him and was not suspicious about his misrepresentations until he asked his son Joe to pick up his mail at “the house” a month or so before his death. At this time, he shared the fact that he had significant investment account and a number of bank accounts with substantial balances as well as other assets. Respondent was shocked and felt betrayed. She became upset with the decedent as she had often ended up paying for most occasions over the years.

Respondent states that when the decedent realized she was upset with him, he became contrite and remorseful and told her that he planned “to make things right by her.” He stated that he intended to pay off the mortgage on her house and make substantial gifts of cash and personal property. He thereafter contacted the bank and made the necessary arrangements to transfer funds to Ms. Pond and to name her on some accounts. The bank personnel became aware of his concerns and objectives in as much as he told them what he intended to do and expressed concern about what his “children” would try to do to Ms. Pond after he was gone. All transfers and naming her on accounts took place while he was fully competent to make gifts.

Respondent states that contrary to the assertions of the petitioner, the successor trustee did not become trustee or act in that capacity until the decedent died on 3-16-13, and contrary to the groundless assertions and sheer speculations made by the petitioners, he did not transfer title of any assets to the respondent nor did he change the address of the decedent's mail to the home of the respondent. The transfers and the change of address were accomplished by the decedent alone or pursuant to his permission and on his instructions.

Respondent states the decedent did not hold his children in very high esteem and for the most part was disappointed in them. He seldom spoke of them and they seldom visited. For the most part, he had a favorable relationship with his grandchildren and great grandchildren. He did speak to his children on the phone on occasions, but this contact was sporadic and limited.

Respondent denies assertions that she unduly influenced the decedent in any manner at any time and denies that she isolated him from his family and that she attempted to influence him against his children. Respondent asserts that for reasons best known to him, the decedent had issues with his children and on many occasions expressed displeasure with the manner that he had been treated by them or with their behavior or conduct.

SEE ADDITIONAL PAGES

Respondent asserts that the decedent had no “emotional problems” that would have subjected him to being “easily influenced by the Respondent.” Respondent affirmatively contends that the decedent knew his own mind and was subject to holding strong and unwavering opinions, including the poor relationships he had with his children. He was rational in his thinking and beliefs and knew his own mind. If anything, he was concerned with what “his children” might do to Respondent after he passed away.

Respondent denies allegations made by the petitioners that she is a disqualified transferee under §850 et seq., and states the decedent was competent to make decisions, determinations and designations as he saw fit for the ultimate disposition of his estate.

Respondent denies that she exerted undue influence on the decedent to induce him to execute the trust and/or his last will and testament, and further denies that she participated, advised or arranged the execution of these documents. The decedent dictated the terms to a third party of his own choosing and arranged for their completion and execution.

Respondent is informed based on said information and alleges that the Court has no jurisdiction in this proceeding in regard to the will, as that matter is not properly before the Court in that a petition to admit the will to probate has not been filed.

Respondent objects to this matter in as much as the pleadings were not verified and are therefore not property before the court.

Respondent denies the petitioners' unfounded assertions regarding the decedent's lacking capacity to execute the documents or make gifts and transfers prior to his death.

As to Paragraphs 6-31, Respondent objects as they are not in the proper form, are unsubstantiated, unmitigated, supposition, and/or suspicions, with no basis in fact, reason or law to support them; they are assumptions.

Pursuant to CCP §431.30(d) this answering respondent generally denies each and every allegation in the complaint and further specifically denies that the petitioners are entitled to the relief sought. Affirmative defenses listed. See response.

Respondent requests judgment by the Court that:

- 1. Petitioners take nothing pursuant to their First Amended Petition;**
- 2. The request to invalidate alleged transfers to Respondent be denied as there is no basis in law or fact requiring restoration of the decedent's property to his trust and/or estate;**
- 3. The request of the petitioners to find the “2013” trust invalid due to undue influence and/or incompetency be denied;**
- 4. Find that it has no jurisdiction to rule in regard to the validity of the decedent's last will and testament as that matter is not properly before the court;**
- 5. Find that the respondent did not exercise undue influence over the decedent;**
- 6. Deny the Petitioners' request for attorney fees and costs;**
- 7. The request by the petitioners to invalid all documents purporting to make dispositive distributions to the respondent assets be denied; and**
- 8. For such other orders as the Court deems just and proper.**

Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>
<input type="checkbox"/>	Verified	<input type="checkbox"/>
<input type="checkbox"/>	Inventory	<input type="checkbox"/>
<input type="checkbox"/>	PTC	<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>
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<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>
<input type="checkbox"/>	Letters	<input type="checkbox"/>
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>
<input type="checkbox"/>	Objections	<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>
<input type="checkbox"/>	CI Report	<input type="checkbox"/>
<input type="checkbox"/>	9202	<input type="checkbox"/>
<input type="checkbox"/>	Order	<input type="checkbox"/>
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>
<input type="checkbox"/>	Citation	<input type="checkbox"/>
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>

NEEDS/PROBLEMS/COMMENTS:	
Examiner Notes are not provided for Settlement Conference; however, the following history is provided for quick-reference:	
<ul style="list-style-type: none"> On 10-15-13, the Public Administrator was appointed as trustee of the trust. I&A totals \$508,608.78 consisting of \$190,252.88 cash, \$2,850.00 in California unclaimed property, and the remainder includes guns, jewelry, vehicles, motorcycles, and stocks. Joseph Balagno (beneficiary) filed a Petition to Determine Title, etc., under Probate Code §850, and later filed an amended petition which was heard on 2-27-14. Page C. Separately, Nicholas Kovacevich (trustee) filed a petition for trustee and attorney fees, but had not yet filed an accounting. This was heard on 1-16-14 and continued to 2-27-14. Page B. Nicholas Kovacevich then filed an accounting on 2-21-14 that was set for 4-10-14. Page A. On 2-27-14, the two pending matters were continued to meet up with the accounting petition on 4-10-14; however, the Court also set a Settlement Conference for 4-7-14 for the two pending matters. On 4-7-14, the Settlement Conference was continued to 5-20-14. On 5-1-14, Lance Armo, attorney for Joseph Balagno, Linda Balagno, and Lori Jo Brown, filed an unverified objection to the trustee's accounting. 	
Reviewed by: skc	
Reviewed on: 5-15-14	
Updates:	
Recommendation:	
File 2D - Balagno	